

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

ANDRÉA SPENCE, on behalf of herself and
others similarly situated,

Plaintiff,

v.

CAVALRY PORTFOLIO SERVICES, LLC
and CAVALRY SPV I, LLC,

Defendants.

CIVIL ACTION NO. _____

NOTICE OF REMOVAL

Defendants CAVALRY PORTFOLIO SERVICES, LLC (“CPS”), and CAVALRY SPV I, LLC (“SPV,” and collectively “Defendants”), by counsel, and pursuant to 28 U.S.C. §§1441 and 1446, hereby remove the above-entitled action, which is currently pending in the Suffolk County Superior Court (Case No. SUCV2014-00850-BLS2), and state as follows:

BACKGROUND

1. On May 9, 2014, Plaintiff Andrea Spence (“Plaintiff”) filed a four-count amended class action complaint (“Complaint”) in the Suffolk County Superior Court. (A copy of Plaintiff’s Complaint is attached as Exhibit A).

2. The Complaint alleges various violations of the Fair Debt Collection Practices Act (“FDCPA”), 15 U.S.C. §1692 et seq., Massachusetts credit reporting laws, M.G.L. c. 93 §§ 49 and 54A, and 93A, and seeks declaratory and equitable relief against CPS and SPV.

3. Specifically, Plaintiff alleges that Defendants violated the FDCPA by charging unauthorized interest and reporting amounts debtors did not legally owe to credit reporting agencies. (Compl. ¶¶ 2-3; 59-60).

4. Plaintiff also alleges that Defendants violated Massachusetts credit reporting laws by reporting false information to credit bureaus, (Compl. ¶¶5; 62), and engaging in unfair and deceptive practices related to charging, reporting and attempting to collect unauthorized interest. (Compl. ¶¶5; 66-67).

5. CPS and SPV accepted service of the Complaint on June 3, 2014.

6. The Complaint constitutes all pleadings served on Defendants in this action to date. *See* 28 U.S.C. §1446(a).

7. This notice of removal is timely under 28 U.S.C. §1446(b) because less than thirty days have passed since Defendants accepted service of Plaintiff's Complaint.

REMOVAL JURISDICTION

8. This action is one in which the Court has original jurisdiction under 28 U.S.C. §1331 as it involves a federal question. Specifically, Plaintiff's claims for relief allege violations of the FDCPA, 15 U.S.C. §1692.

9. Accordingly, this is a civil action "arising under the Constitution, laws, or treaties of the United States" pursuant to § 1331, and removal is appropriate pursuant to 28 U.S.C. §§1441, 1446.

PROCEDURAL REQUIREMENTS

10. Removal to this Court is proper because the United States District Court for the District of Massachusetts embraces the Suffolk County Superior Court, where the state court action was filed.

11. Pursuant to 28 U.S.C. §1446(d), Defendants are promptly providing written notice of this removal to counsel for Plaintiff and will promptly file a copy of this Notice of Removal with the Clerk of the Suffolk County Superior Court.

WHEREFORE, Defendants respectfully request that the above-entitled action be removed from the Suffolk County Superior Court to this Court.

CAVALRY PORTFOLIO SERVICES, LLC
and CAVALRY SPV I, LLC

By their Attorneys,

/s/John J. O'Connor
John J. O'Connor
BBO # 555251
Peabody & Arnold LLP
Federal Reserve Plaza
600 Atlantic Avenue
Boston, MA 02210
(617) 951-2077
JOConnor@peabodyarnold.com

CERTIFICATE OF SERVICE

I, John J. O'Connor, certify that on June 26, 2014, I electronically filed the foregoing **Notice of Removal** with the Clerk of the Court by using the CM/ECF system and served counsel for Plaintiff via First Class Mail, as follows:

Elizabeth Ryan
John Roddy
Bailey & Glasser LLP
125 Summer Street, Suite 1030
Boston, MA 02110
eryan@baileyglasser.com
jroddy@baileyglasser.com

/s/John J. O'Connor
John J. O'Connor

824582_1
15646-98214